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A3 B1
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a means coupled to the collar for fixing the collar in an axial position relative to the shaft.

20. (Amended) The anchor of claim 19, wherein the first member and second member each include an end that meet to form a point that extends beyond the first end of the shaft when the first member and the second member are in the first position.

C) PLEASE ADD THE FOLLOWING NEW CLAIM.

A4 P1
21. (New) The anchor of claim 1, wherein the attachment end is adapted to provide an attachment point for a tether line, safety line or hauling line.

REMARKS

This response is intended as a full and complete response to the Office Action dated May 28, 2002. In view of the following discussion, the Applicant believes that all claims are in allowable form.

CLAIM REJECTIONS

35 U.S.C. §102 Claims 1-20

Claims 1-20 stand rejected as being unpatentable over United States Patent No. 6,318,941, issued November 20, 2001 to Guenther (hereinafter referred to as "Guenther"). The Applicant respectfully disagrees but has amended independent claims 1, 12 and 19 to more clearly distinguish the claimed invention from the cited references.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)(citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220

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USPQ 193 (Fed. Cir. 1983). Here, Guenther fails to disclose each and every element of the claimed invention recited by independent claims 1, 12 and 19.

Claim 1 recites an anchor for providing an attachment point on a building structure that includes a center shaft, a first member pivotally coupled to the center shaft and a second member pivotally coupled to the center shaft. The first member and the second member are rotatable between a first position proximate the shaft and a second position away from to the shaft. The center shaft has an attachment end and a piercing end. The piercing end is adapted to be driving and pierce through the building structure. Guenther does not teach or suggest a center shaft that has an attachment end and a piercing end, where the piercing end is adapted to pierce through the building structure. As such, Guenther does not disclose each and every element recited by independent claim 1 and thus, cannot anticipate claim 1 and those claims depending therefrom.

Claim 12 recites an anchor for providing an attachment point on a building structure that includes a center shaft, a collar slidably disposed on the center shaft, a first member pivotally coupled to the center shaft and a second member pivotally coupled to the center shaft. The collar is movable to a position that clamps the building structure between collar and members. The center shaft has an attachment end and a piercing end. The piercing end is adapted to pierce through the building structure. Guenther does not teach or suggest a center shaft that has an attachment end and a piercing end, where the piercing end is adapted to pierce through the building structure or a collar that is movable to a position that clamps the building structure between collar and members. As such, Guenther does not disclose each and every element recited by independent claim 12 and thus, cannot anticipate claim 12 and those claims depending therefrom.

Claim 19 recites an anchor for providing an attachment point on a building structure that includes a center shaft, a collar slidably disposed on the center shaft, a first member pivotally coupled to the center shaft and a second member pivotally coupled to the center shaft. The first member and the second member are rotatable between a first position proximate the shaft and a second position away from to the

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shaft. The collar is movable to a position that clamps the building structure between collar and members. A means is coupled to the collar for fixing the collar in an axial position relative to the shaft. Guenther does not teach or suggest a collar that is movable to a position that clamps the building structure between collar and members, or a means for fixing the collar in an axial position relative to the shaft. As such, Guenther does not disclose each and every element recited by independent claim 19 and thus, cannot anticipate claim 19 and those claims depending therefrom.

In contrast, Guenther teaches a wall anchor having a u-shaped mounting strap 32 having a curved bight 34 that is inserted into a pre-drilled mounting hole 100 formed in a wall 46. Toggle arms having identical blades 50, 52 are coupled by a nut 76 that is disposed between the legs of the strap 32. Flanges 54, 56 extend beyond the blade 50, 52 so that the toggle arms straddle the mounting strap 32 in an unconnected state until screwed to strap after installation in the wall. A bolt 84 is threaded through the nut 76 and is shielded by the bight 34. A grab bar 126 may be screwed to the mounting strap 32 to provide an attachment point.

However, the u-shaped mounting strap 32 having a curved bight 34 is not the equivalent structure to a center shaft as recited by claims 1, 12 and 19 since the strap is not a shaft. Moreover, the curve bight is for inserting into a pre-drilled hole as opposed to have a piercing end adapted to pierce through a building structure as recited by claims 1, 12 and 19. Furthermore, the toggle arms are coupled to a bolt that does not having a piercing end since the bolt is shielded by the u-shaped strap that is not coupled to the toggle arms until after installation. Additionally, the grab bar is not slidably coupled to the center shaft since it is fastened by screws to the u-shaped member.

As such, Guenther does not disclose each and every element recited by independent claims 1, 12 and 19, and thus, cannot anticipate claims 1, 12 and 19. Thus, the Applicant submits that independent claims 1, 12 and 19, and those claims depending therefrom, are patentable over Guenther. Accordingly, the Applicant respectfully requests these rejections be withdrawn.

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AMENDMENT TO CLAIM 20

Claim 20 has been amended to properly refer to the "first end" of the center shaft recited in base claim 19. As such, claim 20 has not been narrowed in scope and should be afforded its full range of equivalents.

NEW CLAIM 21

New claim 21 has been added to more clearly recite aspects of the invention. The Applicant believes that no new matter has been added, and accordingly, request allowance of this claim.

CONCLUSION

Thus, the Applicant submits that all claims now pending are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issuance are earnestly solicited.

If, however, the Examiner believes that any unresolved issues still exist, it is requested that the Examiner telephone Mr. Keith Taboada at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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Printed Name of Person Signing

Aug 22, 2002
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APPENDIX I
MARK-UP OF AMENDED CLAIMS

1. (Amended) An anchor for providing an attachment point on a building structure, comprising:

a center shaft having an attachment end and a piercing end adapted to pierce through the building structure;

a first member pivotally coupled to the center shaft; and

a second member pivotally coupled to the center shaft, wherein the first member and the second member are rotatable between a first position proximate the shaft and a second position away from the shaft.

4. (Cancelled) The anchor of claim 1, wherein the first member and the second member are rotatable between a first position proximate the shaft and a second position orthogonal to the shaft.

12. (Amended) An anchor for providing an attachment point on a building structure, comprising:

a center shaft having an attachment end and a piercing end adapted to pierce through the building structure;

a first member pivotally coupled to the center shaft;

a second member pivotally coupled to the center shaft; and

a collar slidably disposed on the center shaft and movable to a position that clamps the building structure between collar and members.

19. (Amended) An anchor for providing an attachment point on a building structure, comprising:

a center shaft having a first end and a second end;

a ring disposed on the first end;

a first member pivotally coupled to the center shaft;

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a second member pivotally coupled to the center shaft, the first member and the second member are rotatable between a first position proximate the shaft and a second position [orthogonal to] away from the shaft;

a collar slidably disposed on the center shaft, the collar and the first and second members sandwiching the building structure therebetween when the first and second members are in the second position and the collar is slid away from the ring; and

a means coupled to the collar for fixing the collar in an axial position relative to the shaft.

20. (Amended) The anchor of claim 19, wherein the first member and second member each include an end that meet to form a point that extends beyond the [piercing] first end of the shaft when the first member and the second member are in the first position.

21. (New) The anchor of claim 1, wherein the attachment end is adapted to provide an attachment point for a tether line, safety line or hauling line.

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APPENDIX II
PENDING CLAIMS

1. (Amended) An anchor for providing an attachment point on a building structure, comprising:
 - a center shaft having an attachment end and a piercing end adapted to pierce through the building structure;
 - a first member pivotally coupled to the center shaft; and
 - a second member pivotally coupled to the center shaft, wherein the first member and the second member are rotatable between a first position proximate the shaft and a second position away from the shaft.
2. The anchor of claim 1, wherein the piercing end terminates in a point or knife edge.
3. The anchor of claim 1, wherein the piercing end is removable from the center shaft.
5. The anchor of claim 1, wherein the attachment end comprises a ring.
6. The anchor of claim 5, wherein the attachment end is removable from the center shaft.
7. The anchor of claim 1 further comprising a collar slidably disposed on the shaft.
8. The anchor of claim 7, wherein the collar further comprises a means for fixing the collar along the shaft.

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9. The anchor of claim 8, wherein the means for fixing is selected from a group consisting of a threaded member, a clamp and a pin.
10. The anchor of claim 1, wherein the first member and second member each include an end that meet to form a point that extends beyond the piercing end of the shaft when the first member and the second member are in the first position.
11. The anchor of claim 1 further comprising a spring that biases at least one of the members away from the shaft.
12. (Amended) An anchor for providing an attachment point on a building structure, comprising:
a center shaft having an attachment end and a piercing end adapted to pierce through the building structure;
a first member pivotally coupled to the center shaft;
a second member pivotally coupled to the center shaft; and
a collar slidably disposed on the center shaft and movable to a position that clamps the building structure between collar and members.
13. The anchor of claim 12, wherein the collar slidably further comprises a means for fixing the collar in an axial position relative to the shaft.
14. The anchor of claim 13, wherein the means for fixing further comprises a threaded member, a clamp or a pin.
15. The anchor of claim 12, wherein the first member and the second member are rotatable between a first position proximate the shaft and a second position orthogonal to the shaft.

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16. The anchor of claim 15, wherein the first member and second member each include an end that meet to form a point that extends beyond the piercing end of the shaft when the first member and the second member are in the first position.
17. The anchor of claim 12 further comprising a spring that biases at least one of the away from the shaft.
18. The anchor of claim 12, wherein the attachment end comprises a ring.
19. (Amended) An anchor for providing an attachment point on a building structure, comprising:
- a center shaft having a first end and a second end;
 - a ring disposed on the first end;
 - a first member pivotally coupled to the center shaft;
 - a second member pivotally coupled to the center shaft, the first member and the second member are rotatable between a first position proximate the shaft and a second position away from the shaft;
 - a collar slidably disposed on the center shaft, the collar and the first and second members sandwiching the building therebetween when the first and second members are in the second position and the collar is slid away from the ring; and
 - a means coupled to the collar for fixing the collar in an axial position relative to the shaft.
20. (Amended) The anchor of claim 19, wherein the first member and second member each include an end that meet to form a point that extends beyond the first end of the shaft when the first member and the second member are in the first position.
21. (New) The anchor of claim 1, wherein the attachment end is adapted to provide an attachment point for a tether line, safety line or hauling line.